

These minutes have been approved by the Board on 11-4-19

MINUTES OF THE CONFERENCE CALL MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
September 9, 2019

1. ROLL CALL

The conference call meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Vice Chair, Bridget Anderson, at 12:03 p.m., in Licensure Unit Conference Room LU-1, Nebraska State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Public Meeting Law.

Members Present: The following members answered roll call:

Bridget Anderson, Vice-Chair (present in LU-1)

Ronald Banse, Member

Shannon Bingham, Member

Jacqueline Hornig, Member

Melanie Judkins, Member

Becky Pettigrew, Member

Brandy Phillips, Member

Pam Rowland, Secretary

Members Absent:

Vicki Criswell, Chair (entered meeting at 2:05 p.m.)

Ruth Lucas, Member (entered meeting at 1:47 p.m.)

Marie Nordboe, Member

Others Present: (present in LU-1)

Trevor Klaassen, Investigations

Mark Meyerson, Investigations

Kris Chiles, Program Manager, Licensure Unit

Angela Andersen, Health Licensing Coordinator

Anna Harrison, Compliance Monitor, Licensure Unit

Ami Huff, Assistant Attorney General

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Anderson moved, seconded by Rowland, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Banse, Bingham, Hornig, Judkins, Pettigrew, Phillips, Rowland, (8). Voting nay: None (0). Absent: Criswell, Lucas, Nordboe (3). Vacant positions (2). Motion carried.

3. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Pettigrew moved, seconded by Judkins, to enter into closed session at 12:04 p.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Anderson repeated the motion and purpose. A roll call vote was taken. Anderson, Banse, Bingham, Hornig, Judkins, Pettigrew, Phillips, Rowland, (8). Voting nay: None (0). Absent: Criswell, Lucas, Nordboe (3). Vacant positions (2). Motion carried.

12:54 p.m. Klaassen and Meyerson departed meeting

1:30 p.m. Meeting break

1:34 p.m. Meeting resumed

MOTION: Pettigrew moved, seconded by Rowland, to return to open session at 1:45 p.m. A roll call vote was taken. Voting aye: Anderson, Banse, Bingham, Hornig, Judkins, Pettigrew, Phillips, Rowland, (8). Voting nay: None (0). Absent: Criswell, Lucas, Nordboe (3). Vacant positions (2). Motion carried.

1:46 p.m. – Harrison departed meeting

1:47 p.m. – Lucas entered conference call

1:53 p.m. – Hampton entered meeting
2:05 p.m. – Criswell entered conference call

4. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION

- Applications, Mail Ballot Summary Report and Reinstatements

Conviction Reviews:

Zachary Bornhoft – Body Piercer Applicant

MOTION: Pettigrew moved, seconded by Judkins, to recommend issuance of the license with no terms or conditions. A roll call vote was taken. Anderson, Banse, Bingham, Hornig, Judkins, Pettigrew, Phillips, Rowland, (8). Voting nay: None (0). Absent: Criswell, Nordboe (2). Abstain: Lucas (1). Vacant positions (2). Motion carried.

Kodie Embury – Cosmetology Applicant

MOTION: Judkins moved, seconded by Pettigrew, to recommend a 3 year probation to include the standard terms and conditions and the following: no solo practice, alcohol and drug body fluid screens, follow any current or future evaluation recommendations, quarterly reports from employer, and abstain from alcohol and drug use. A roll call vote was taken. Anderson, Banse, Bingham, Hornig, Judkins, Pettigrew, Phillips, Rowland, (8). Voting nay: None (0). Absent: Criswell, Nordboe (2). Abstain: Lucas (1). Vacant positions (2). Motion carried.

Jana Brown – Cosmetologist Reinstatement Applicant

MOTION: Hornig moved, seconded by Judkins, to recommend offering a 3 year probation to include the standard terms and conditions and the following: no solo practice, quarterly employer reports, alcohol and drug body fluid screens, follow any current or future evaluation recommendations, monthly medication reports, quarterly reports from employers, and abstain from alcohol and drug use. A roll call vote was taken. Anderson, Banse, Bingham, Hornig, Judkins, Pettigrew, Phillips, Rowland, (8). Voting nay: None (0). Absent: Criswell, Nordboe (2). Abstain: Lucas (1). Vacant positions (2). Motion carried.

Clinton Mueller – Tattoo Artist Applicant

MOTION: Judkins moved, seconded by Hornig, to recommend issuance of the license. A roll call vote was taken. Anderson, Banse, Bingham, Hornig, Judkins, Pettigrew, Phillips, Rowland, (8). Voting nay: None (0). Absent: Criswell, Nordboe (2). Abstain: Lucas (1). Vacant positions (2). Motion carried.

Anissa Morosic – Cosmetology Applicant

MOTION: Hornig moved, seconded by Rowland, to table the board's recommendation until next meeting in order to review the application and additional information. A roll call vote was taken. Anderson, Banse, Bingham, Hornig, Pettigrew, Phillips, Rowland, (7). Voting nay: Judkins (1). Absent: Criswell, Nordboe (2). Abstain: Lucas (1). Vacant positions (2). Motion carried.

Heather Day – Cosmetology Applicant

MOTION: Judkins moved, seconded by Rowland, to recommend issuance of the license with no terms or conditions. A roll call vote was taken. Anderson, Bingham, Hornig, Judkins, Pettigrew, Phillips, Rowland, (7). Voting nay: Banse (1). Absent: Criswell, Nordboe (2). Abstain: Lucas (1). Vacant positions (2). Motion carried.

Isaac Huerta – Tattoo Artist Applicant

MOTION: Pettigrew moved, seconded by Hornig, to recommend denial of the license reinstatement due to insufficient information to support the reinstatement and modification. A roll call vote was taken. Anderson, Banse, Bingham, Hornig, Judkins, Pettigrew, Phillips, Rowland, (8). Voting nay: None (0). Absent: Criswell, Nordboe (2). Abstain: Lucas (1). Vacant positions (2). Motion carried.

5. BRAIDING SERVICE DISCUSSION

The Department received an inquiry relating to whether a blow dryer was acceptable to use during the course of hair braiding. Chiles read definition of natural hair braiding from statute 38-1042.01 (see statute language below) which does not specify the use of a blow dryer. After discussion, the Board's position was that a blow dryer can be used when used in conjunction with hair braiding. NOTE: Advisory statements are issued by the Board of Cosmetology, Electrology, Esthetics, Nail Technology and Body Art for informational purposes only; they are NOT legal opinions and are non-binding.

38-1042.01. Natural hair braiding, defined.

(1) Natural hair braiding means the twisting, wrapping, weaving, extending, locking, or braiding of hair by hand or with mechanical devices such as clips, combs, crochet hooks, curlers, curling irons, hairpins, rollers, scissors, blunt-tipped needles, thread, and hair binders.

(2) Natural hair braiding includes (a) the use of natural or synthetic hair extensions, natural or synthetic hair fibers, decorative beads, and other hair accessories, (b) minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or braiding hair, (c) the use of topical agents, such as conditioners, gels, moisturizers, oils, pomades, and shampoos, in conjunction with hair braiding, and (d) the making of wigs from natural hair, natural fibers, synthetic fibers, and hair extensions.

(3) Natural hair braiding does not include (a) the application of dyes, reactive chemicals, or other preparations to alter the color of hair or to straighten, curl, or alter the structure of hair or (b) the use of chemical hair joining agents such as synthetic tape, keratin bonds, or fusion bonds.

Source: Laws 2016, LB898, § 3.

6. BOARD MEMBER PER DIEM DISCUSSION AND RECOMMENDATIONS

Chiles provided information relating to 38-171 in regards to per diems for each day engaged in duties as a member of the board (see statute language below)

38-171. Board; advisory committee or body; compensation; limitation; expenses.

Each member of a board shall, in addition to necessary traveling and lodging expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting business. Traveling and lodging expenses shall be on the same basis as provided in sections 81-1174 to 81-1177. The compensation per day shall not exceed fifty dollars and shall be determined by each board with the approval of the department. Persons serving on an advisory committee or body under section 38-161 shall receive remuneration of expenses as provided in sections 81-1174 to 81-1177, including compensation for time spent in traveling to and from the place of conducting business, and a per diem of fifty dollars.

Following discussion, the board agreed they would request a the per diem for attendance or participation in each board meeting, when the member is representing the board as a delegate at a national meeting, and for each day of travel when attending a board meeting with overnight arrangements. Per diem discussion for 1 day of preparation time for each meeting was tabled to the next meeting.

Criswell declared the meeting adjourned at 2:27 p.m.

Respectfully submitted,

Pamela Rowland, Secretary,
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by: Angela Andersen, Health Licensing Coordinator, Licensure Unit